

The War on Drugs, Cocaine, and Their Effect on the Federal Prison Population

**by
Sierra Coffee**

**A thesis presented to the Honors College of Middle Tennessee State University in partial
fulfillment of the requirements for graduation from the University Honors College**

Fall 2018

The War on Drugs, Cocaine, and Their Effect on the Federal Prison Population

**by
Sierra Coffee**

APPROVED:

**Name of Project Advisor
List Advisor's Department**

**Name of Chairperson of Project Advisor
List Chair's Department**

**Name of Second Reader
List Second Reader's Department**

**Dr. John Vile
Dean, University Honors College**

Table of Contents

Section 1. Introduction: Defining the War on Drugs.....	1
Section 2. Background and Literature:	
Origin of Early Drug Usage.....	2
The Purpose of the War on Drugs.....	3
Political Agendas.....	5
Addiction and the Harrison Act of 1914.....	8
Drug Trafficking Emerges.....	11
Sentencing Disparities: Crack and Powder Cocaine.....	11
Race Disparities.....	16
Effects of the War on Drugs on Prison Growth.....	18
Drug Courts and Rehabilitation.....	19
Summary and Research Questions.....	21
Section 3. Research Methodology.....	22
Section 4. Results.....	23
Section 5. Discussion.....	26
The Unwanted Truth.....	29
Future Research.....	31
Conclusion.....	32
References.....	34
Appendix A: Tables	38
Table 1. Bivariate Analyses for President Political Party Affiliation.....	39
Table 2. Bivariate Analyses for Policy Direction	40
Table 3. Description of Federal Prison Population and Key Independent Variables	41
Appendix B: IRB Approval.....	42

The War on Drugs, Cocaine, and Their Effect on Federal Prisons

Section 1. Introduction: Defining the War on Drugs

The War on Drugs is a phrase used to refer to the government-led initiative that aims to stop illegal drug use, distribution, and trade by increasing and enforcing penalties for offenders. The choice of language involving this topic was strategically chosen by Nixon and his political team. Using the language “war” was rhetorically and symbolically significant. Since President Nixon first used the phrase “War on Drugs” in 1971, other presidents, politicians, healthcare professionals, and various career fields have positively and negatively used this language as a platform for their debates and viewpoints. For example, President George Bush Sr. used war related language by stating, “It is [drugs] turning our cities into battle zones...playgrounds strewn with discarded hypodermic needles and crack vials” (Elwood, 1994, p. 34). Using war as a metaphor is advantageous because it creates an enemy America must rise and fight against (Peniche, 2015, p. 8). President George Bush Sr.’s quote figuratively creates the battle many American cities have faced during this so-called war. Physically, the war has drastically affected the prison population in the United States making it the largest prison population in the world.

Referring to the war, this thesis analyzed the effects of the war from 1971 to 2017 on the United States federal prison population. The researcher analyzed cocaine (powder and crack) statistics and how changes in cocaine policies overtime (1970 – 2017) have affected the number of people incarcerated in the United States. The research conducted in this thesis recognizes the bigger issues behind the War on Drugs such as

race, politics, and addiction. The War on Drugs is not about drugs itself, but it is about larger social concerns such as controlling a specific group of people. The war will be measured by multiple variables such as cocaine policies, racial composition of federal prison population, and political ideology. From the literature review and statistical analysis, the researcher hypothesized that the policy changes over time (1970 - 2017) increased the federal prison population. The researcher also hypothesized a correlation between years of policy changes and an increase or decrease in drug offender population in prisons.

Section 2. Background and Literature:

Origin of Early Drug Usage

The origins of drug usage can be traced back to the ancient Greeks and early writings of other ancient societies; however, the roots of illicit drug trafficking and abuse in the United States remains unknown. Inciardi (1986) suggested that the phenomena began in the early eighteenth century with the attraction of medical opium known as Dover's powder (p. 2). Introduced in 1709, Dover's powder made its way to the United States and became the most widely used opium preparation for nearly two centuries (p. 2). By the end of the eighteenth century, patent medicines containing opium were sold in pharmacies, grocery stores, and through the mail (p. 2). In the early 1800s, German Pharmacist Serturmer isolated one compound of opium which he named morphine after the Greek God of Dreams, Morpheus (p. 4). With the invention of hypodermic syringes, companies, such as Sears Roebuck, began to capitalize on the profit of the social phenomenon. In their 1897 catalog, Sears Roebuck sold hypodermic kits that contained

all the necessities for injection of this drug (p. 5). Morphine continues to be the most effective pain reliever used to date (p. 4). Nonetheless, opium smoking was introduced in the United States by Chinese laborers who were employed to build railroads and work in mines (Inciardi, 1986, p. 6). According to Wright (1910), between 1880 and 1886, “646,280 pounds of smoking opium were brought into the United States through legal means” (p. 82). In the 1870s, anti-opium laws were directed at Chinese immigrants (The Drug Policy Alliance, 2018b, p. 1).

As the United States continued to prosper, other illicit drugs were introduced and became more widespread. Cocaine, a derivative of the coca plant, became a main ingredient in many beverages such as Mariani’s Coca Wine and Coca-Cola (Goode, 2008, p. 285). According to the Drug Policy Alliance (2018b), during the early twentieth century, anti-cocaine laws were directed at southern African American men (p. 1). In 1903, Col. J.W. Watson expressed to the *New York Tribune* that “many of the horrible crimes committed in the Southern States by the colored people can be traced directly to the cocaine habit” (Goode, 2008, p. 285). By the 1960s, there was a cocaine use explosion in the United States which spurred the cocaine “epidemic” between the late 1970s and the mid-to-late 1980s (Goode, 2008, p. 286-287). It was during this cocaine epidemic that former president Richard Nixon declared the official War on Drugs.

The Purpose of the War on Drugs

The purpose of the War on Drugs has evolved throughout time. Nixon began the war in 1971 with mandatory sentencing, increased presence of drug enforcement agencies, and labeled marijuana as a Schedule I drug, which is the most restrictive

category for drugs (The Drug Policy Alliance, 2018b, p. 2). He merged the Office for Drug Abuse Law Enforcement and the National Narcotics Intelligence into the Drug Enforcement Agency (DEA) in 1973 with Executive Order 11727 (Peters & Woolley, 1973). John Ehrlichman, a Nixon aide, stated (The Drug Policy Alliance, 2018b, p. 2),

You want to know what this was really all about. The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying. We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.

According to Ehrlichman, the original purpose of the war was focused towards the social causes during the 1970s: racial tension and the Vietnam War. Our federal prison population during 1971 to 1975 increased by 133,234 inmates. Vietnam soldiers used marijuana and heroin while in Vietnam which escalated into an addiction issue in the United States once the war ended in 1975. It is estimated that 450,000 United States' soldiers tried or used heroin during Vietnam. Yet, the policies implemented during this time frame focused on cocaine, not heroin. The federal prison population also had more African Americans than any other race. Presidents after Nixon continued to intensify the war by increasing incarceration rates, creating educational programs and initiatives such as DARE and Zero Tolerance, militarizing law enforcement, and increasing border patrol (The Drug Policy Alliance, 2018b, p. 2-3).

The increased harshness of drug policies was arguably created as an attempt to deter crime and punish those who committed drug related offenses. However, the United States has seen more and more incarceration because of these policies instead of

deterrence. By punishing drug usage, these policies have overlooked addiction. Addiction treatment and rehabilitation as a countermovement to the War on Drugs has varied overtime by state, type of drug, president, and the user.

Political Agendas

Following President Nixon's term in office, President Carter took a different approach to the war on drugs. In 1977, President Carter stated (Peters and Woolley, 1977):

No government can completely protect its citizens from all harm not by legislation, or by regulation, or by medicine, or by advice. Drugs cannot be forced out of existence; they will be with us for as long as people find in them the relief or satisfaction they desire. But the harm caused by drug abuse can be reduced. We cannot talk in absolutes--that drug abuse will cease, that no more illegal drugs will cross our borders--because if we are honest with ourselves we know that is beyond our power. But we can bring together the resources of the Federal Government intelligently to protect our society and help those who suffer.

President Carter knew that there was no way to eliminate drugs from society, so he focused on international agreements with other countries where drugs were being imported and addiction resources available to addicts. The federal prison population did not see a significant decrease in the net change until democratic President Carter's term. While President Carter was in office, there was a 8,335 net decrease. This was the largest net decrease since the war on drugs was declared. There were no international wars that the United States of America were involved in during his presidency which allowed him to allocate more time for the drug war (Peters and Woolley, 1977).

Republican President Reagan took a very different approach than President Carter. President Reagan increased the federal prison population between 1979 to 1988 by 30,198 federal inmates. President Reagan implemented harsh legislation like the 1986

Dug Abuse Act (The Drug Policy, 2018b). First Lady Nancy Reagan began the “Just Say No” campaign which, statistically, had no significant effect in reducing drug usage (The Drug Policy, 2018b). President Reagan’s policy and the media focused on inner city African American communities and ignored the rampant use of cocaine among whites, including the cocaine use by his daughter (Davis, 1992). President Reagan’s foreign policy also funded the Contras in Nicaragua who imported cocaine into Los Angeles and other prominent cities which gave him a group of people to punish-minorities (The Drug Policy, 2018b).

Republican President George H. W. Bush continued Reagan’s harsh policies with the Anti-Drug Abuse Act of 1988 (Peters & Woolley, 1989). The federal prison population under the Bush administration increased from 1988 to 1992 by 29,165 inmates. During his presidency, Bush’s focus was divided between the Invasion of Panama, the Persian Gulf War, and the war on drugs. It was during the Bush administration that federal and state drug courts were created. The first drug court was established in Florida in 1989 with Oregon, Arizona, and Nevada in the following years (Peters & Woolley, 1989).

Drug courts at the federal and state level flourished during democratic President Clinton. Twenty-five states added drugs courts to their criminal justice system during the eight year presidency of Clinton. He implemented the Safety Valve Provision which was considered a lenient policy. The provision allowed the courts to sentence qualifying offenders to less than the mandatory minimum sentence (United States Sentencing Commission, 2002). Nonetheless, during his presidency, the federal inmate population increased from 1992 to 2000 by 65,446 inmates. President Clinton had a series of tough on crime initiatives such as his 1994 \$30 billion crime bill that created new federal capital crimes, life sentences for some three-time offenders, and mandatory

minimums for cocaine possession. President Clinton's crime bill affected the federal prison population heavily.

Republican President George W. Bush continued the harsh policies during the war on drugs, especially those involving cocaine. President Bush's address to the nation in 1989 focused primarily on cocaine (Peters & Woolley, 1989). He ended his opening paragraph of his speech by stating that cocaine was the most serious of our nation's problems. He thanked the media for their coverage of inner cities that were ravaged with drug usage, which were primarily minority communities. He continued his speech to discuss drug dealers in previous years who were caught and not prosecuted, emphasizing that the rules have changed under his administration. Bush stated, "If you sell drugs, you will be caught. And when you're caught, you will be prosecuted. And once you're convicted, you will do time. Caught --prosecuted -- punished" (Peters & Woolley, 1989). President Bush proposed the death penalty for drug kingpins. During his presidency, the federal inmate population increased from 2000 to 2008 by 56,543 inmates. President Bush also began the United States' involvement in the Middle East. He believed that the war on drugs aided in the war on terror because his administration linked Al-Qaida in Afghanistan to drug trafficking in the United States (Peters & Woolley, 1989).

Following the Bush Administration, President Obama enacted the Fair Sentencing Act in 2010 which was considered lenient. During his presidency, the federal prisons saw a decrease in net change which was not seen since President Carter in 1978 and 1979. During his presidency, marijuana was decriminalized in certain states, the 100-to-1 ratio of crack to powder cocaine was reduced, and he fought hard to reduce mandatory minimum sentences (The Drug Policy, 2018b). President Obama focused on drug

use and addiction as a health concern, not a criminal justice issue. He made criminal justice reform one of his top priorities. President Obama shared the same viewpoint as President Carter in that drug abuse will never cease to exist, but it can be reduced. The federal inmate population from 2008 to 2016 decreased by 9,498 inmates.

Republican Donald Trump took office in 2016 and aimed to “make America great again,” a slogan originally coined by President Reagan. President Trump does not support the decriminalization of marijuana and he has increased border patrol and has pledged to escalate the war on drugs (The Drug Policy, 2018b). He has presented a tough on crime persona as President Clinton did. President Trump has primarily focused on opioid and marijuana so far. Since he has taken office, the federal prison population from 2016 to 2017 has decreased by 6,553 inmates. The effects of President Trump’s initiative to escalate the war on drugs are yet to be seen in the federal prison population.

Addiction and the Harrison Act of 1914

As addictive drugs began to grow in the United States, the federal government created laws and acts to control and regulate these drugs, but not to prohibit them. Addiction to cocaine occurs with repeated use of the drug. According to the National Institute of Drug Abuse (2018), repeated use can cause changes in the brain’s reward circuit by increasing the amount of dopamine in the brain causing the brain to become less sensitive to it. In turn, cocaine users feel the need to use more cocaine to produce additional dopamine in the brain because it does not naturally produce the same amount of dopamine as it once did.

Powder cocaine is typically sniffed or snorted, although it can be injected.

According to cocaine.org, powder cocaine is more expensive than crack cocaine. When snorted, it can take up to 20 minutes for the effects to set in which can last up to an hour. If it is injected, powder cocaine can reach the brain as fast as one minute. Crack cocaine is smoked. It takes roughly 20 seconds to reach the brain with the effects lasting roughly 30 minutes. Because crack cocaine is cheaper and creates an almost immediate effect on the body, it is more desirable thus making it more dangerous (cocaine.org). There are no pharmacological differences between the two types of cocaine and the physical appearance of the cocaine does not affect the addictiveness of the drug. The addictiveness of cocaine is determined by how the drug is administered into the body (United States Sentencing Commission, 2002, p. 19). Crack cocaine creates a quicker, more immediate effect on the body; therefore, it is used more often to maintain the “high” which makes it more addictive to its users.

Cocaine is classified as a stimulant which gives users a sense of energy, alertness, and excitement (The Drug Policy Alliance, 2018a, p. 1). Former director of the National Institute on Drug Abuse, Charles Schuster, discovered that once cocaine is absorbed into the bloodstream and reaches the brain, its effects on the brain are equal regardless of whether it is crack or powder cocaine (Coyle, p. 2). Physical effects on the body include, but are not limited to, a rise in body temperature, blood pressure, and heart rate (The Drug Policy Alliance, 2018a, p. 1). This can cause users to overheat and experience strokes or seizures. Despite advancements in the medical field, there is currently no approved drug to reverse a cocaine overdose if one occurs. First responders and

emergency personnel are trained to restore the blood flow to the heart, restore oxygen to the brain, and to stop seizures (National Institute of Drug Abuse, 2018). It is important that cocaine addiction be treated properly rather than allowing addicts to suffer withdrawal symptoms and relapse.

According to Redford and Powell (2016), no laws were passed on the federal level regarding nonsmoking opium, morphine, and patent medicines between 1880 and 1906 (p. 10). During this time frame, heroin, another potentially addictive drug, was created and sold commercially by Bayer (p. 10). Heroin was used for the treatment of coughing, pneumonia, tuberculosis, and in the treatment of morphine addiction (p. 10). When ingested into the body, heroin and morphine are virtually the same; however, heroin is far more potent per dose, making it a cheaper alternative (p. 10). In response to the growing number of addicts in the United States, the Harrison Act of 1914 required all people (Brecher, 1972)

to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

The Harrison Act of 1914 did not ban the use of cocaine and opium, but the act was an attempt to control the distribution of these addictive drugs by placing a tax on those who dealt with the drugs. According to Inciardi (1986), certain provisions of the act were interpreted differently and “ultimately defined narcotics use as a crime” (p. 15). In 1919, the Supreme Court declared in *Webb v. U.S.* that it was illegal to prescribe these addictive drugs to an “addict-patient” (p. 15). Nearly ten years after the Harrison Act was in effect, the Supreme Court ruled in *Linder v. U.S.* that addicts were entitled to health care like

other patients; however, by this point in time, physicians were unwilling to prescribe opium and cocaine derived drugs (Inciardi, 1986, p. 15). This created the switch from viewing drug abuse as a medical problem to a criminal justice problem.

Drug Trafficking Emerges

Thus, the platform for illegal drug trafficking had emerged to provide these drugs to addicts (Inciardi, 1986, p. 15). Consequently, the Harrison Act of 1914 unknowingly laid the foundation for the declared War on Drugs in 1971. Users and producers of opium and cocaine turned to criminal ways to obtain the drugs. Police enforcement began to rise as well as imprisonment of users and producers. In 2004, it was estimated that 69.4% of the state prison population and 91.4% of the federal prison population were serving time due to drug trafficking (Mumola & Karberg, 2006, p. 4). Drug trafficking is defined by the United Nations Office on Drugs and Crime as “a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws.” According to a later study reported by the Bureau of Justice Statistics (2015), almost all drug offenders in the federal prison system (99.5%) in 2012 were serving sentences for drug trafficking (Taxy, Samuels, & Adams, 2015, p. 1).

Sentencing Disparities: Crack and Powder Cocaine

Disparities in sentencing cocaine offenses arguably have many different origins. Federal laws concerning cocaine tend to focus more on traffickers, manufacturers, and sellers whereas state laws focus more on simple possession. The 1986 Drug Abuse Act (The 1986 Act) introduced the 100-to-1 ratio which refers to 100 grams of powder cocaine as equivalent to one gram of crack cocaine. According to the Report to Congress:

Cocaine and Federal Sentencing Policy (2002), Congress believed that crack cocaine was far more dangerous than powder cocaine (United States Sentencing Commission). During the 1980s, the “cocaine epidemic” and war on drugs were occurring which heightened Congress’ urge to punish cocaine offenses harsher than other illegal substances. The objective of the 1986 Act was to target severe cocaine traffickers; however, two-thirds of federal crack cocaine offenders were street level dealers (United States Sentencing Commission, 2002). Only 5.9% of federal cocaine offenders were traffickers (United States Sentencing Commission, 2000). Congress’ urge to pass such legislation without proper consideration provides evidence for Ehrlichman’s quote that the war was not about drugs itself, but specific groups of drug users that were not accepted in society.

Although the biggest portion of the sentencing disparity is traced back to the 100-to-1 ratio, other factors such as drug quantity and offender function have contributed to the disproportion. The 1986 Act formed mandatory minimum penalties for cocaine offenses. For a first-time trafficking offense, five grams or more of crack cocaine or 500 grams or more of powder cocaine resulted in a minimum five-year mandatory sentence (United States Sentencing Commission, 2002, p. 6). Fifty grams or more of crack cocaine or 5,000 grams or more of powder cocaine resulted in a minimum ten-year mandatory sentence (United States Sentencing Commission, 2002, p. 6). Based on this quantity-based penalty, the average sentence length for crack cocaine offenses was 118 months compared to 74 months for powder cocaine offenses in 2000 (United States Sentencing Commission, 2002, p. 7).

In 1995, an amendment to the sentencing guidelines was proposed to make the sentences more equal, but it was not passed (United States Sentencing Commission, 2002, p. 7). In 1997, the United States Sentencing Commission updated the amendment and included alternatives to the cocaine sentencing scheme in their annual report; however, as of 2002, Congress had not acted on those alternatives (United States Sentencing Commission, 2002, p. 7). The 1997 report compiled by the United States Sentencing Commission reported findings such as the negative effects of prenatal cocaine use to be like the negative effects caused by tobacco use and less severe than the effects caused by prenatal alcohol use (United States Sentencing Commission, 2002, p. 7). The Drug Policy Alliance (2018a) supported these findings by reporting that prenatal cocaine use does not necessarily create “crack babies” and that the effects of prenatal cocaine use are often short term and have “little to no affect” on the long-term development of the child as portrayed by the media (p. 2). The United States Sentencing Commission (2002) also discovered that the use of crack cocaine among youth did not reach the extent that was predicted during the “cocaine epidemic” (p. 8).

The 1995 Commission Report also contributed findings on sentencing functions. It was estimated that half (48.4%) of crack cocaine offenders acted as street level dealers in 1995 (United States Sentencing Commission, 2002, p. 38). This percentage grew to 66.5% by 2000. On the other hand, powder cocaine offenders accounted for 15.1% of street level dealers and 23% as drug couriers or mules in 1995 (United States Sentencing Commission, 2002, p. 37). These percentages for powder cocaine offenders grew to 28.5% of street level dealers and 31.4% of couriers or mules in 2000 (United States

Sentencing Commission, 2002, p. 37). The origins of crack and powder cocaine contribute to the offender function. For example, powder cocaine is imported into the United States. Couriers and mules are needed to smuggle powder cocaine across the United States' borders. Crack cocaine is created from powder cocaine which can be completed in the United States. Crack cocaine does not need to be imported, although it is in some cases. Crack cocaine offenders do not act as couriers or mules to the same extent as powder cocaine offenders do.

A provision to the 1995 Act, known as the Safety Valve Provision, allowed the courts to sentence qualifying offenders to less than the mandatory minimum sentence (United States Sentencing Commission, 2002, p. 60). This provision affected the number of powder cocaine offenders because they were more likely to qualify for the Safety Valve Provision than crack cocaine offenders were. Statistics show that in 2000, 37.3% of powder cocaine offenders received the provision compared to 15.4% of crack cocaine offenders (United States Sentencing Commission, 2002, p. 60). Crack cocaine offenders are more likely than powder cocaine offenders to have a criminal history which is one of the areas that affects the use of the Safety Valve Provision.

The Anti-Drug Abuse Act of 1988 created a mandatory minimum sentence for simple possession of crack cocaine, but not powder cocaine or any other controlled substance (United States Sentencing Commission, 2002, p. 11). This federal act became the first of its nature to create a mandatory minimum penalty for first time offenders of simple possession of a controlled substance (United States Sentencing Commission, 2002, p. 11). The Anti-Drug Abuse Act of 1988 furthered the disparity in crack cocaine

sentencing because a first-time offender of simple possession of crack cocaine was sentenced to the same amount of prison time as a crack cocaine trafficker. First time offenders of simple possession of any other controlled substance, including powder cocaine, was considered a misdemeanor offense punishable by a maximum of one-year sentence (United States Sentencing Commission, 2002, p. 11). Nonetheless, in 2000, 82.2% of crack cocaine offenders and 75.8% of powder cocaine offenders were serving a minimum of five years or more based on their drug quantity (United States Sentencing Commission, 2002, p. 48).

The laws regarding cocaine changed in 2010 when President Obama signed the Fair Sentencing Act into law. The Fair Sentencing Act reduced the 100-to-1 ratio to 18-to-1 (Drug Policy Alliance, 2018, p. 1). This legislation was impactful at the federal and state level because it addressed the harsh penalties and racial disparities that stemmed from the 1986 Act. On the state level, laws stemming from the war on drugs greatly affected prison populations. After the passage of the Anti-Drug Abuse Act of 1986, fourteen states implemented distinguished crack and powder cocaine offenses. Although no state currently follows the 100-to-1 ratio, each state has individualized penalties for cocaine offenses. The states that distinguish between the two forms of cocaine and have sentencing disparities include Alabama, Arizona, California, Iowa, Maine, Maryland, Missouri, New Hampshire, North Dakota, Ohio, Oklahoma, Vermont, and Virginia. Alabama does not have different penalties for the two types of cocaine but uses a 10-to-1 ratio to determine offenders' eligibility for its drug abuse diversion program (United States Sentencing Commission, 2002, p. 74). In California, a crack cocaine offender

serves an estimated one and a half year longer than powder cocaine offenders (United States Sentencing Commission, 2002, p. 75). North Dakota uses an enhanced penalty that punishes offenders a maximum of life in prison with or without parole for trafficking fifty grams or more of powder cocaine or five grams or more of crack cocaine (United States Sentencing Commission, 2002, p. 77).

Race Disparities

Crack cocaine, historically, has been more prevalent in minority communities affecting predominantly African American and Hispanic neighborhoods. According to statistics gathered by the Sentencing Project (2013), minorities are more likely than Caucasians to be arrested, convicted, and given a harsher sentence. African American males are six times more likely than Caucasians to be incarcerated and two and a half times more likely than Hispanic males (Sentencing Project, 2013). In general, statistics of minorities in prison for cocaine offenses support evidence that the cocaine policies target specific racial groups instead of the drug itself. In 1992, there were 91.4% reported African American drug offenders in prison. The number decreased in 2000 to 84.7% (United States Sentencing Commission, 2002, p. 62). In 2009, African Americans accounted for 75% of crack cocaine arrests (Motivans, 2011, p. 3). In a report compiled by the Bureau of Justice Statistics (2015), 88% of federal inmates serving prison time in 2012 for crack cocaine were African American (Taxy, Samuels, & Adams, 2015, p. 2). The large percentage of African American crack cocaine offenders can be attributed to the drug being sold in inner cities and communities where law enforcement presence is more prevalent.

On the other hand, Hispanics/Latinos account for the majority of powder cocaine offenders. There were 39.8% Hispanic offenders in 1992 in federal prison. The number increased to 50.8% in 2000 (United States Sentencing Commission, 2002, p. 62). As of 2009, 55% of arrests for powder cocaine were Hispanic (Motivans, 2011, p. 3). The arrest rate for Hispanics increased in 2014 to 57% (Motivans, 2017, p. 10). Fifty-four percent of inmates serving prison time for powder cocaine were Hispanic (Taxy, Samuels, & Adams, 2015, p. 2). Hispanics make up a larger portion of powder cocaine offenders than crack cocaine because they tend to be the couriers or mules bringing the drug over from Mexico.

Powder cocaine dealers are generally Caucasian. Caucasians made up 32.3% of powder cocaine offenders in 1992 and decreased to 17.8% by 2000 (United States Sentencing Commission, 2002, p. 62). Caucasians accounted for 12.6% of powder cocaine offenders and 4.2% of crack cocaine offenders (Taxy, Samuels, & Adams, 2015, p. 3). As of 2009, Caucasians accounted for 31% of arrests by the Drug Enforcement Agency (Motivans, 2017, p. 10). Powder cocaine is more expensive than crack cocaine which makes more affordable to middle class citizens which are predominantly Caucasian. The middle class or working class Caucasians typically deal powder cocaine behind closed doors making it less recognizable to law enforcement when compared to crack cocaine which is cheaper and more available in inner cities and on the streets.

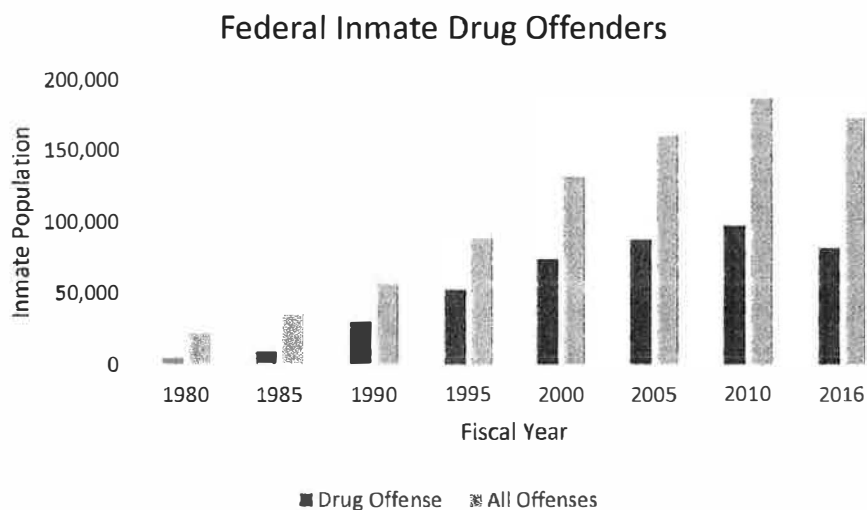
Cocaine offenders are predominately male and middle aged (Taxy, Samuels, & Adams, 2015, p. 3). As of 2009, three in ten males in the United States were arrested for powder cocaine (Motivans, 2011, p. 3). Nearly all crack cocaine offenders (93.4%) in

2000 were United States' citizens. Powder cocaine offenders that were not United States' citizens comprised 36.1% of offenders (United States Sentencing Commission, 2002, p. 62).

Effects of the War on Drugs on Prison Growth

According to the Federal Bureau of Prisons, the federal inmate population increased from 1984 to 1986 by 10,260 inmates. The federal inmate population increased between 1998 and 2012 by 84% (Figure 1). The drug offender population increased again by 63% during this fourteen-year period. In 2005, 2009 and 2014, cocaine was the most common drug involved in Drug Enforcement Administration arrests at the federal level (Motivans, 2011, p. 2).

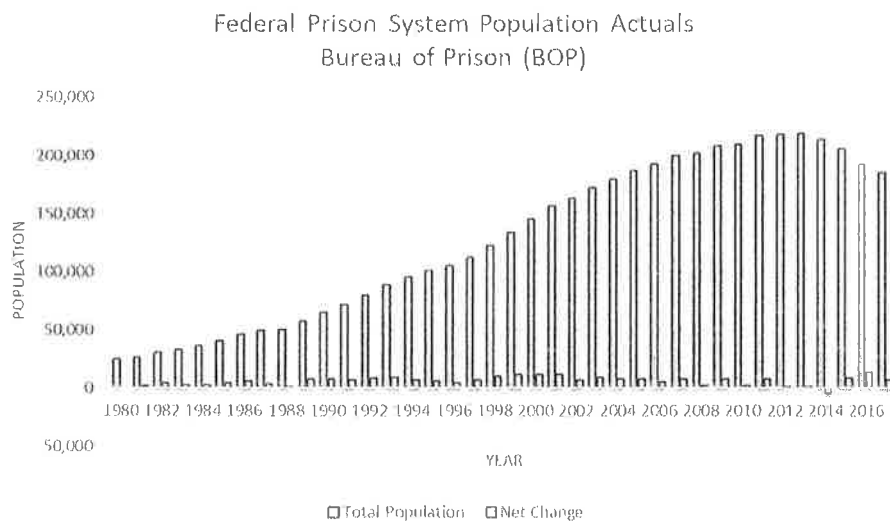
Figure 1



Crack cocaine offenders, on average, had the longest and median federal prison sentence length in 2012 (Taxy, Samuels, & Adams, 2015, p. 6). Sixty-two percent of these offenders were sentenced to more than ten years. The average sentence length was

14 years and 12.5 years as the median (Taxy, Samuels, & Adams, 2015, p. 6). In a report compiled by the Bureau of Justice Statistics, cocaine was the main drug type for 54% of federal inmates (Taxy, Samuels, & Adams, 2015, p. 2). Currently, the federal prison population is more than four times its population in 1989 (Figure 2). It is estimated that federal prisons are 32% over capacity and the federal prison spending is over six billion dollars per year (Saris, 2014, p. 9). The United States Sentencing Committee has adjusted the federal guidelines to reduce mandatory sentencing. The most recent change went into effect in 2015 and has reduced the length of sentences by roughly two years by adjusting the drug trafficking guidelines (United States' Courts). A decrease in population has been seen as a result of these changes.

Figure 2



Drug Courts and Rehabilitation

In the United States, every state currently has some form of a drug court or rehabilitation program. The National Institute of Justice (2017) described drug courts as

specialized docket programs that target people who are dependent on alcohol or drugs. The first drug court was created in 1989 in Florida. As of 2015, there were over 3,000 drug courts in the United States (National Institute of Justice, 2017). Drug court models vary from state to state, but they typically include a team of trained individuals who help addicts by monitoring and supervising them, helping them enroll in rehabilitation programs, provide incentives, and assess the risks, needs, and responsive of those in drug courts (National Institute of Justice, 2017).

Treatment for stimulant disorders, such as those caused by cocaine, are under-researched. Behavioral therapies and self-help groups have been proven to be effective in battling cocaine addiction (The Drug Alliance Policy, 2018, p. 3). Outpatient treatments are the most often recommended form of rehabilitation for cocaine addicts (p. 3). The intensity of the treatment is developed on a case by case basis and could include one to two sessions per week or numerous times per week (p. 3). Residential treatment therapies are not often recommended for cocaine dependents unless they have mental health issues or multiple drug dependencies (p. 3). Established treatment and therapy approaches include cognitive-behavioral therapy, contingency management, harm reduction psychotherapy, and the matrix model (The Drug Alliance Policy, 2018, p. 3).

In 1991, the Bureau of Prisons had eight operational substance abuse programs for inmates (Pelissier et al.). Twenty-two programs were approved for usage in 1992. By 1998, there were 42 residential programs to assist inmates with mental health issues or multiple drug dependencies (Pelissier et al.). The residential programs were unit based. Participants lived separate from the general inmate population with a capacity of 100

inmates. These programs followed a cognitive-behavioral model which “attempted to identify, confront, and alter the attitudes, values, and thinking patterns that led to criminal behaviors and drug or alcohol use” (Pelissier et al.). As of 2000, there were 77 drug dependency, counseling, or awareness programs for federal inmates (Stephan & Karberg, 2003).

Summary and Research Questions

In summary, the war on drugs, according to Nixon’s aide, began as a political movement to control a specific group of people rather than deterring drug users and traffickers. Most of the policies only affected those going in to prison, not those who are already imprisoned. The policies mandated longer, harsher sentences so even as more or less people were sentenced to federal prison, few were getting out. This is one of the main reasons for mass incarceration. There are many underlying issues that continue to further mass incarceration that need to be examined such as race, politics, and addiction.

The findings above surfaced many questions. Is there a relationship between federal policy changes and the federal prison inmate population? What are the main components of these policies? What are the patterns among changes in policy direction and numbers and rates of federal incarceration, if any? Based on the findings above, the amount of drug offenders are hypothesized to have an effect on the dependent variable- the federal prisons in the United States.

Section 3. Research Methodology

To address these research questions, a federal level analysis of cocaine policies that stemmed from the war on drugs was conducted for this thesis. Publicly available secondary data regarding federal prison populations and cocaine policies in the United States for the years 1970-2017 were compiled and analyzed using SPSS. Each year (1970-2017) represented a case. The data included independent and dependent variables, measured at the aggregate federal level. The independent variables, for example, consisted of federal policy components such as the year the policy was implemented, number of drug courts, and if the policy punished crack cocaine and powder cocaine harshly or leniently. The number of drug users in the United States during the study timeframe, as well as the racial composition of the prisons and political party leadership were also included as independent variables. Dependent variables included the number of federal inmates per year, the rate of incarceration per 100,000 population, net change in federal inmate population, and the change in rate of the federal inmate population. Some of these variables were only available in five year increments making the data relatively useless for analysis.

The first portion of the SPSS file contained population data on the United States, federal prison inmates, the rate of imprisonment per 100,000 population, and the net change in federal prison inmates for the years of study (1970-2017). The first portion also contained five year totals of the federal inmate population and the federal drug inmate population. The second portion of data contained information on the federal political agenda. The researcher logged every president, their political party, election years, and

international wars the United States was involved in during the study timeframe.

Additionally, any drug related policy that was implemented during each president's term and its direction (lenient, stable, or harsh) were included. Each policy was deemed harsh or lenient based on the content such as mandatory minimums (harsh), the 100-to-1 ratio (harsh), implementation of drug courts (lenient), and reductions of the 100-to-1 ratio (lenient). Policy components such as drug courts and the number of federal inmates in drug treatment programs were also included.

The amount of drug offenders are hypothesized to have an effect on the dependent variable- the federal prisons in the United States. Independent variables such as presidential political party affiliations, international wars, election years, and change in policies were measured as nominal variables. Dependent variables such as population data on the United States, number of federal prison inmates, the rate of imprisonment per 100,000 population, and the net change in federal prison inmates for the years of study (1970-2017) were measured as scale variables (e.g., numbers, rates, percentages). Prison population statistics were analyzed and compared to changes in federal drug sentencing to see if there was a relationship over time. Specifically, bivariate analyses appropriate for each variable type were used to examine associations between federal inmate populations and variables of interest (e.g., political party of president, policy changes, etc.).

Section 4. Results

Independent samples t-tests, oneway ANOVA, crosstabulations, and correlations were conducted using the data compiled in SPSS. The first independent t-test conducted

was comprised of the rate of federal imprisonment per 100,000 and political affiliation of the president for the years of study. Over the past 47 years, there have been 13 elections. From those elections, the United States has witnessed 28 years of Republican presidents and 20 years of Democratic presidents. The researcher expected to find a significance between the rate of federal imprisonment and Republican affiliation because Republicans have been in office eight years more than Democratic presidents and produced harsher drug policies; however, the results showed a significance of 0.027 in the rate of imprisonment with the average federal imprisonment rate higher during years with Democratic presidents. Based on the results, the researcher must reject the null hypothesis of no difference, but the result was not in the expected direction (See Table 1).

Furthermore, there was no significance in the five-year rate of sentenced drug offenders and political affiliation of the president, in addition to, no significance in the political party affiliation of the president and the net change in rate of incarceration. Despite this, there were interesting patterns in the net change in number and rate of federal imprisonment. Prison population numbers and rates increased over time regardless of which political party was in office. During years with Republican presidents, the net change was greater in both number and rate than during years with Democratic presidents in office. In other words, both political parties saw increases in rates of federal imprisonment over time, but the increases were greater during Republican years.

The next analysis consisted of a crosstabulation which was conducted using the policy direction and the political party affiliation of the president. The results of the crosstabulation tell a different story than the results of the independent t-tests reported

above. In the crosstabulation, there is a higher percentage of lenient or stable lenient policies with democrat presidents and a higher percentage of harsh or stable harsh policies with republican presidents. With democrat presidents, the policies were 60 percent stable lenient compared to 28.6 percent stable lenient for republican presidents. On the other hand, democrat presidents had five percent stable harsh policies compared to 17.9 percent for republican presidents. These results were expected with the general knowledge of political ideology between republicans and democrats.

Next, as shown in Table 2, a oneway ANOVA was used to examine patterns among changes in policy direction and numbers and rates of federal incarceration as well as the net change for these numbers and rates. Interestingly, the numbers and rates of federal prisoners were significantly higher during years where policies were more lenient or stable than during harsher policy years. However, as was the case with political party affiliation, the net change in numbers and rates were lower during lenient policy years and relatively higher during years with harsher policies. That is, the incarceration rates and numbers for federal prisons increased over time (until the most recent years), but fewer people were sentenced to federal prison during years defined by lenient policies.

Likewise, a oneway ANOVA was used to examine the patterns in the percent of the federal inmate drug population every five years and the policy direction. There were eight cases (years) that were compared to the policy direction. The results of the test showed an increase in the federal inmate drug population during the years of harsher policies. There were two years where the policy was harsh stable with over 50% drug

offenders. The results are significant. They do support a relationship between increased drug offenders and harsher policies.

A correlation between multiple variables such as the actual number of drug courts added, actual number of federal inmates, net change of federal inmates, rate of federal imprisonment per 100,000 population, and the net change in rate of incarceration was conducted. The results showed an increase in the net change of federal inmates and the net change in rate of incarceration correlated with an increase in added drug courts. As the rates and net change stabilized or decreased, the number of drugs courts added did the same. There is no correlation between the actual number of federal inmates, the net change of federal inmates, and added drug courts. Additional correlations could not be examined due to missing data (See Table 3).

Tests for statistical significance were also conducted involving the drug offender population, total federal inmate population, rate of imprisonment, and years of war. All independent t-test conducted were not significant. The federal prison population consisted of 40% drug offenders during years of no war and 47% drug offenders during years of war. Incarceration did increase during years with no war.

Section 5. Discussion

This thesis intended to discuss cocaine policies that have been created throughout the War on Drugs and how they impacted the federal prison, specifically the drug offender population. The research presented throughout the background and literature review support the hypothesis of policy changes overtime increased the federal prison

population. The background and literature review discussed many components that played a role in the policies such as the need to control a specific group of people. The results of the tests for statistical significance, however, told a different story. Based on the tests for statistical significance, the hypothesis was rejected. The tests show a pattern between the drug offender population and the general offender population because the two would increase and decrease together. Nonetheless, there was no correlation between years of policy changes and drug offender population. There were multiple limitations that prevented the support of the hypothesis in the tests for statistical significance.

The biggest limitation discovered was the lack of aggregate level secondary data on federal inmates. When researching data for the first portion of SPSS regarding federal prison population numbers, there was not one single document or source that included the race of federal prisoners from 1970 to 2017. There were multiple sources that were used to find the racial composition of federal prisoners including the United States Department of Justice document encompassing race of prisoners in federal institution from 1926 to 1986 (Langan, 1991) and the Prisoner Series; however, neither document is consistent. The document from 1926 to 1986 is inconclusive. States, particularly southern, failed to report or underreported their prisoners. The Prisoners Series combined both state and federal inmates in their series until 2014. Once the series reached 2014, it distinguished between state and federal inmates. The Sentencing Project was also used as a reference for racial composition, but their data did not go as far back in history as needed.

Publically available documents containing only federal inmate demographics in general for the years 1970 to 2017 do not exist or are unavailable. Official government

sources such as the Bureau of Prisons and Bureau of Justice Statistics do not offer data regarding only federal prison inmates for the study timeframe. The data offered is comprised of state and federal inmates or local, state, and federal inmates. The only data found containing solely federal inmate statistics were from 2014 to 2017. As a result, data that was anticipated to be gathered was unobtainable.

The combined data for federal and state inmates distinctively showed that cocaine offenders were majority Black/African American followed by Hispanic/Latino. Facts were uncovered in the background and literature review that supported systematic racism in our criminal justice and political system which contributed to the disproportionate cocaine sentences. These facts also supported systematic racism in America beginning with the laws directed at Chinese laborers in the 1870s. Enrichlman's bold statement that the war on drugs was declared to control a specific group of people can be supported in the background and literature review; however, tests for statistical significance could not be conducted in SPSS to support his statement due to the lack of unavailable data regarding race of federal prison inmates.

Additionally, there is an absence of data regarding substance abuse treatment among federal inmates. There is no publicly available document that reflects the percentage or rate of federal inmates receiving drug treatment while incarcerated. Various statistics can be found by simply searching the topic; however, a complete data set cannot be found for the years of study (1970-2017). This affected the results of the research because the researcher was unable to conduct conclusive tests involving policy components such as drug courts and treatment. Although the tests for statistical

significance did show a relationship between added drug courts, net change of federal inmates and the net change in rate of incarceration, questions remain unanswered on who is actually receiving this treatment and if it is beneficial to prisoners.

The Unwanted Truth

From the beginning of our nation's history, one cannot refute the unequal treatment of minorities in our nation. These unequal treatments seeped into our criminal justice system and politics. Although no one wants to admit that the war on drugs was created to control a specific group of people, it was discovered within this research to be true. The research has shown numerous facts of these injustices within the policies that have governed our criminal justice system. Before the war on drugs began, the few laws that governed drugs were aimed at Chinese and Hispanic immigrants or at African Americans. It is impossible to empirically prove systematic racism, but that is what has occurred based on the research conducted for this thesis. The United States of America, its criminal justice system, and its history of political leadership cannot deny the fact that minorities in society are more likely to be arrested, convicted, and sentenced with unjustly harsher, longer sentences in the time frame studied.

Political leaders and many criminal justice reformers have seen these injustices and have tried to bring light to them in numerous ways in different eras of the criminal justice system. During the Reform Era (1900-1970s) in the criminal justice system, the use of discriminatory practices towards minorities was prevalent. During this time, racial tensions were at their highest. African Americans, Hispanics, and immigrants were abused and mistreated by police. Rights that were given to Caucasians meant nothing to

police when applied to those of color. This created a huge distrust of the police from the community and strained police community relationships. As soon as the Reform Era ended, the war on drugs began with policies targeting those of color. The facts presented above regarding race show the number of African Americans and Hispanics compared to Caucasians that were imprisoned for drug offenses in general and for cocaine offenses at the start of 1970 until 2017.

The Community Policing Era (1970s-present) has addressed a few of the governing policies and guidelines for drug offenders, but drug offenders still make up the majority of federal prisons. Cocaine offenders are sentenced to the most time and are majority African American. Although there have been more lenient policies during the war on drugs, the harsh policies have been so severe that they drastically created an increase in the federal prison population as shown in the SPSS data file. President Clinton's policies threw a wrench in the data because he created both a lenient and harsh policy. The results of the independent t-test showing the significance of the rate of federal imprisonment per 100,000 and democrat political affiliation of the president were unexpected and can be linked back to Clinton's harsh crime bill. The effects of President Clinton's unforgiving crime bill are still seen today. The policies mandated longer sentences so even as more or less people were sentenced to federal prison, few were getting out. This is one of the main reasons for mass incarceration. Nonetheless, the results of such policies typically are not seen for a couple years after they are implemented. For example, President Obama created a lenient policy, but the decrease in

prison population is now being seen with President Trump who has future plans to harshen the war on drugs.

Future Research

The amount of empirical data available on federal prisons left many unanswered questions for this thesis. There is more research that could be added to this thesis to address the large prison population in America. Blame cannot be put on one single issue because there are many underlying factors. For exmaple, the federal prison population drastically decreased from 2014 to 2017 as shown in the SPSS file. The reason for this decrease has many contributors. First, it can be linked to the revision of the sentencing guidelines for drug traffickers in 2014. The revision went into affect in 2015 with more than 13,000 inmates receiving a revised sentence. Nearly 6,000 inmates were released. Furthermore, inmates that were incarcerated in previous years who had served ten plus years were also being released.

In addition, research on state prison populations and policies would be valuable. Saris (2014) suggests that the growth is state prison populations was just as rapid as the federal prison population (p. 10). According to the Sentencing Project (2011), the incarceration rate for drug offenses in state prisons increased from 19,000 in 1980 to 265,000 in 2008 (Porter & Wright, p. 2). Currently, there has been a shift at the state level because prisons are one of the biggest budgets. States that allocated more money for prisons created less money for roads, schools, and other critical infrastructure. Many of these states have begun reducing mandatory sentencing to decrease drug offenders in their prisons and have turned to alternatives such as rehabilitation programs (p. 10).

Researchers are discovering that lengthy mandatory sentences are not deterring drug related offenses (p. 12). According to the Sentencing Project, at least thirty states have adjusted their policies and have successfully reduced the number of drug offenders in their state prisons (Porter, 2016). Despite these changes at the state level, the prison population remains the largest in the world and houses more drug offenders than any other country.

Future research can be conducted on the war on drugs, cocaine policies, and federal prison inmates once more data is gathered over the next few years. The research could include recidivism of federal drug inmates, their sentences, offender function, and the effect of drug treatment in prison. Empirically, there is no way to assess many of the underlying issues of the war on drugs and policies because there is none or not enough data available. As of 2014, the Bureau of Justice began separating federal inmate data from state and local inmate data makes it easier for researchers solely interested in federal prison information to conduct research. Nonetheless, the Bureau of Justice will need to continue its practice of separating federal statistics in order for longitudinal studies to be conducted. More research on the war on drugs, cocaine policies, and their effect on federal prisons would be beneficial. Other considerations could include the lag effect between implementation of an Act (harsh or lenient) and what that means for people already incarcerated in addition to the lag effect between court use of a new Act and/or prosecutors who may skirt the law and apply other charges versus ones that align with an overly harsh act

Conclusion

In summation, the War on Drugs has had a history of ups and downs. The policies³² controlling drug offenders switching between lenient and harsh will continue the pattern of disproportionate sentences that has been seen in the study timeframe. The unwanted truth of the war on drugs controlling a certain group of people rather than deterring drug

offenders needs to be addressed by our politicians and criminal justice system. The limitations of the data made it difficult to support the hypothesis, but with time, more data can be collected and a new tests can be conducted. Until then, the policies governing drug offenders will continue, for better or worse.

References

- Brecher, E.M. (1972). *The harrison narcotic act (1914)*. In *The Consumers Union Report on Licit and Illicit Drugs* (Ch. 8). Retrieved from <http://www.druglibrary.org/Schaffer/library/studies/cu/cu8.html>
- Coyle, M. Race and class penalties in crack cocaine sentencing. The Sentencing Project, Washington, DC. Retrieved from <https://www.prisonpolicy.org/scans/sp/RaceandClass.Sentencing.pdf>
- Davis, P. (1992). *The way I see it*. Sidgwick & Jackson Ltd.
- Elwood, W.N. (1994). Rhetoric in the war on drugs; The triumphs and tragedies of public relations. West Port: Praeger Publishers, 34.
- Goode, E. (2008). *Drugs in American society*, 7th ed. McGraw-Hill: New York, NY.
- Inciardi, J.A. (1986). *The war on drugs: Heroin, cocaine, crime, and public policy*. Palo Alto, CA: Mayfield Publishing Company.
- Kelly, M. (2018). American involvement in wars from colonial times to the present. Retrieved from <https://www.thoughtco.com/american-involvement-wars-colonial-times-present-4059761>
- Langan, P. (1991). Race of prisoners admitted to state and federal institutions, 1926-86. U.S. Department of Justice: Bureau of Justice Statistics, Washington: DC. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/125618.pdf>
- Motivans, M. (2011). Federal justice statistics. The U.S. Department of Justice: Bureau of Justice Statistics, Washington: DC. Retrieved from <https://www.bjs.gov/content/pub/pdf/fjs09.pdf>

- Motivans, M. (2017). Federal justice statistics. The U.S. Department of Justice: Bureau of Justice Statistics, Washington: DC. Retrieved from <https://www.bjs.gov/content/pub/pdf/fjs1314.pdf>
- Mumola, C.J., & Karberg, J.C. (2004). Drug use and dependence, state and federal prisons, 2004. The U.S. Department of Justice: Bureau of Justice Statistics, Washington: DC.
- National Institute of Drug Abuse. (2018). *Cocaine*. Retrieved from <https://www.drugabuse.gov/publications/drugfacts/cocaine>
- National Institute of Justice. (2017). *Drug courts*. Retrieved from <https://www.nij.gov/topics/courts/drug-courts/Pages/welcome.aspx>
- Pelissier, B., Wallace, S., O'Neil, J., Gaes, G., Camp, S., Rhodes, W., & Saylor, W. Federal prison residential drug treatment reduces substance use and arrests after release. Retrieved from https://www.bop.gov/resources/research_projects/published_reports/recidivism/orepramjalcd.pdf
- Peniche, C.M. (2015). The war on drugs: An analysis of the rhetoric according to Richard Weaver's theory of ultimate terms. Liberty University School of Communication and Creative Arts. Retrieved from <http://digitalcommons.liberty.edu/cgi/viewcontent.cgi?article=1383&context=masters>
- Peters, G., & Woolley, J. (1973). Richard Nixon: "Executive order 11727 – drug law enforcement." *The American Presidency Project*. Retrieved from <http://www.presidency.ucsb.edu/ws/?pid=59117>.

Peters, G., & Woolley, J. (1977). Jimmy Carter: "Drug abuse message to the Congress."

The American Presidency Project. Retrieved from <http://www.presidency.ucsb.edu/ws/?pid=7908>

Peters, G., & Woolley, J. (1989). George Bush: "Address to the nation on the national drug control strategy." *The American Presidency Project*. Retrieved from <http://www.presidency.ucsb.edu/ws/?pid=17472>.

Porter, N.D., & Wright, V. (2011). *Cracked justice*. The Sentencing Project.

Redford, A., & Powell, B. (2016). Dynamics of intervention in the war on drugs: The buildup to the Harrison Act of 1914. *Independent Review*, 20(4), 509-530.

Saris, P. B. (2014). Generational shift for federal drug sentences. *American Criminal Law Review*, 52(1), 1-24.

Stephan, J., & Karberg, J. (2003). Census of state and federal correctional facilities, 2000. U.S. Department of Justice: Bureau of Justice Statistics, Washington: DC.

Retrieved from <https://www.bjs.gov/content/pub/pdf/csfcf00.pdf>

Taxy, S., Samuels, J., & Adams, W. (2015). Drug offenders in federal prison: Estimates of characteristics based on linked data. The U.S. Department of Justice: Bureau of Justice Statistics, Washington: DC.

The difference between powder cocaine and crack cocaine. Retrieved from <http://cocaine.org/the-difference-between-powder-cocaine-and-crack-cocaine/>

The Drug Policy Alliance. (2018a). *10 facts about cocaine*. Retrieved from http://www.drugpolicy.org/sites/default/files/cocainefacts_august_2018_1.pdf

The Drug Policy Alliance. (2018b). *A brief history of the drug war*. Retrieved from <http://www.drugpolicy.org/facts/new-solutions-drug-policy/brief-history-drug-war-0>.

The Sentencing Project (2013). Shadow report to the United Nations on racial disparities in the United States criminal justice system. Retrieved from <https://www.sentencingproject.org/publications/shadow-report-to-the-united-nations-human-rights-committee-regarding-racial-disparities-in-the-united-states-criminal-justice-system/>

United Nations Office on Drugs and Crime. Drug trafficking. Retrieved from <https://www.unodc.org/unodc/en/drug-trafficking/index.html>

United States Sentencing Commission. (2002). Report to congress: Cocaine and federal sentencing policy.

Wright, H. (1910). Report on the international opium commission and on the opium problem as seen within the United States and its possessions. Senate Doc. no. 377. 61st Cong., 2nd sess. Washington, D.C.: U.S. Government Printing Office.

APPENDIX A

Tables

Table 1. Bivariate Analyses for President Political Party Affiliation (n=47)

	Republican President	Democratic President	Total	Sig. Value
Number of Federal Prisoners	85211.2	134395.3	105704.6	p=.023
Net Change in the Number of Federal Prisoners	4088.2	2680.5	3489.2	p=.372
Federal Incarceration Rate (per 100,000 population)	30.9	45.6	37.1	p=.027
Net change in Federal Incarceration Rate	.2904	.6110	1.0	p=.230
Percentage of Drug Offenders in Federal Prison (5 year totals; n=8)	42.7%	43.9%	43.5	p=.908
Number of Drug Offenders in Federal Prison (5 year totals; n=8)	42587.0	62301.4	54908.5	p=.500
Policy Direction (%)				
Lenient Policy	3.6	10.0	6.3	p=.136
Stable Lenient Policy	28.6	60.0	41.7	
Stable	42.9	20.0	33.3	
Stable Harsh Policy	17.9	5.0	12.5	
Harsh Policy	7.1	5.0	6.3	

Table 2. Bivariate Analyses for Policy Direction (n=47)

	Stable	Lenient	Stable Lenient	Stable Harsh	Harsh	Total	Sig. Value
Number of Federal Prisoners	26498.6	170951.0	176671.7	68637.8	63910.0	105704.6	p=.000
Net Change in the Number of Federal Prisoners	1246.9	2970.7	4077.2	6895.8	4485.7	3489.2	p=.235
Federal Incarceration Rate (per 100,000 population)	11.9	57.5	58.9	27.0	25.2	37.1	p=.000
Net change in Federal Incarceration Rate	.44	.54	.87	2.5	1.5	1.0	p=.257
Percentage of Drug Offenders in Federal Prison (5 year totals; n=8)	24.9%	--	47.4%	52.8%	55.5%	43.5%	p=.034
Number of Drug Offenders in Federal Prison (5 year totals; n=8)	7120.0	--	85444.0	30470.0	52782.0	54908.5	p=.002

Table 3. 5-Year Description of Federal Prison Population and Key Independent Variables

Year	5 year totals of Federal Inmates	5 year totals of drug offenders	Percentage of Drug Offenders in Federal Prison	Political Party Affiliation of President	Policy Direction	New Drug Courts/State	Percent US population black	Percent in Prisoners in Drug Treatment Programs
1975	109103.00			Republican	stable	.00		
1980	124049.00	4749.00	23.38	Democrat	stable	.00	11.7.	
1985	150495.00	9491.00	26.51	Republican	stable	.00		
1990	244038.00	30470.00	52.75	Republican	stable, harsh	1.00	12.1.	10.1,
1995	399849.00	52782.00	55.47	Democrat	harsh	11.00		
2000	574695.00	74276.00	55.56	Democrat	stable, lenient	26.00	12.9.	15.4
2005	817527.00	87800.00	48.81	Republican	stable, lenient	5.00	.	15.20
2010	990425.00	97800.00	46.85	Democrat	stable, lenient	1.00	13.6.	11.0
2015	1080129.00	81900.00	38.24	Democrat	stable, lenient	.00		
2017	583510.00			Republican	stable, lenient	.00		

APPENDIX
IRB Approval

IRB

INSTITUTIONAL REVIEW BOARD

Office of Research Compliance,
010A Sam Ingram Building,
2269 Middle Tennessee Blvd
Murfreesboro, TN 37129



IRBN007 – EXEMPTION DETERMINATION NOTICE

Monday, September 10, 2018

Principal Investigator **Sierra Coffee** (Student)
Faculty Advisor **Meredith Dye**
Co-Investigators **Joshua Harms**
Investigator Email(s) **Sbc4a@mtmail.mtsu.edu; meredith.dye@mtsu.edu;
joshua.harms@mtsu.edu**
Department **Sociology & Criminal Justice**
Protocol Title ***The war on drugs, cocaine and their effect on federal and state
penitentiaries***
Protocol ID **19-1032**

Dear Investigator(s),

The above identified research proposal has been reviewed by the MTSU Institutional Review Board (IRB) through the **EXEMPT** review mechanism under 45 CFR 46.101(b)(2) within the research category (4) *Study involving existing data*. A summary of the IRB action and other particulars in regard to this protocol application is tabulated as shown below:

IRB Action	EXEMPT from further IRB review***	Date	9/10/18
Date of Expiration	NOT APPLICABLE		
Sample Size	Archival Analysis - Not Applicable		
Participant Pool	Archival public data on adult drug offenders who are categorized by the Bureau of Justice Statistics as prison inmates.		
Exceptions	NONE		
Mandatory Restrictions	1. Participants must be 18 years or older 2. Informed consent must be obtained from the participants 3. Identifying information must not be collected		
Restrictions	1. All requirements for exemption apply. 2. Not applicable for new participant enrollment - existing data only.		
Comments	NONE		

***This exemption determination only allows above defined protocol from further IRB review such as continuing review. However, the following post-approval requirements still apply:

- Addition/removal of subject population should not be implemented without IRB approval
- Change in investigators must be notified and approved
- Modifications to procedures must be clearly articulated in an addendum request and the proposed changes must not be incorporated without an approval
- Be advised that the proposed change must comply within the requirements for exemption
- Changes to the research location must be approved – appropriate permission letter(s) from external institutions must accompany the addendum request form

- Changes to funding source must be notified via email (irb_submissions@mtsu.edu)
- The exemption does not expire as long as the protocol is in good standing
- Project completion must be reported via email (irb_submissions@mtsu.edu)
- Research-related injuries to the participants and other events must be reported within 48 hours of such events to compliance@mtsu.edu

Post-approval Protocol Amendments:

The current MTSU IRB policies allow the investigators to make the following types of changes to this protocol without the need to report to the Office of Compliance, as long as the proposed changes do not result in the cancellation of the protocols eligibility for exemption:

- Editorial and minor administrative revisions to the consent form or other study documents
- Increasing/decreasing the participant size

Only THREE procedural amendment requests will be entertained per year. This amendment restriction does not apply to minor changes such as language usage and addition/removal of research personnel.

Date	Amendment(s)	IRB Comments
NONE	NONE.	NONE

The investigator(s) indicated in this notification should read and abide by all applicable post-approval conditions imposed with this approval. Refer to the post-approval guidelines posted in the MTSU IRB's website. Any unanticipated harms to participants or adverse events must be reported to the Office of Compliance at (615) 494-8918 within 48 hours of the incident.

All of the research-related records, which include signed consent forms, current & past investigator information, training certificates, survey instruments and other documents related to the study, must be retained by the PI or the faculty advisor (if the PI is a student) at the secure location mentioned in the protocol application. The data storage must be maintained for at least three (3) years after study completion. Subsequently, the researcher may destroy the data in a manner that maintains confidentiality and anonymity. IRB reserves the right to modify, change or cancel the terms of this letter without prior notice. Be advised that IRB also reserves the right to inspect or audit your records if needed.

Sincerely,

Institutional Review Board
Middle Tennessee State University

Quick Links:

[Click here](#) for a detailed list of the post-approval responsibilities.
More information on exmpt procedures can be found [here](#).